

From: Tom Eubank
To: Microsoft ATR
Date: 1/15/02 1:33am
Subject: Microsoft Settlement

Dear Sirs,

I am a customer of Microsoft. I have been a software developer for over thirty years and have used Microsoft products for over ten years.

In my opinion, the Justice Department has been used as a pawn of Microsoft's competitors -- to win in the courtroom market share that they could not win in the marketplace.

In 1991, I attended a developer's conference, hosted by Microsoft's competitors, at which the head of PC Development for IBM, and representatives of Borland, Novell, Word Perfect, and others, appealed to the attendees to unite against Microsoft. In different, but similar venues, Microsoft promoted the benefits of their future products -- not so much in juxtaposition to the competition -- but within the context of improvements over their own, then-current products. It is this difference vision that has enriched Microsoft -- along with a significant segment of U.S. economy and the lives of many U.S. consumers.

For almost fifteen years, I worked for a company that actively discouraged the use of Microsoft products -- primarily due to the presence of a Vice President of Microsoft's major competitor on its board. During that time, my employer wasted millions of dollars on projects that failed in large part due to ill-conceived and faulty software technologies and products that were chosen as a result of the anti-competitive behavior of Microsoft competitors.

I have personally encountered multiple products distributed by major Microsoft competitors that seemed to be designed to impair the reliability or performance of Microsoft Operating System products.

In summary, over the years, Microsoft has created and published a large number of high-quality products for sale to the general public, and has slowly increased market share as a result of the quality and functionality of those products. During the same period, its competitors have sought to gain market share by stifling competition through their influence in the boardrooms of major corporations and in the courtrooms of the federal judiciary.

The COMPLAINT and the STIPULATION seem to be designed to benefit other large companies -- some of which seek to restrain Microsoft from competing with their inferior products and others of which seek to further extend their dominant presence in other segments of the information marketplace. Articles 1. through 3. of the STIPULATION will enable Microsoft's

competitors to degrade the user's experience of Microsoft products by embedding their products into the operating system. Rather than ensuring a competitive marketplace, the STIPULATION will impede it by requiring U.S. consumers to use inferior products.

The prosecution of this COMPLAINT has been a waste of U.S. funds for the benefit of a few large, under-performing companies; the enforcement of the STIPULATION would be a further disservice to the U.S. public.

Regards,
Thomas H. Eubank
Durham, North Carolina